

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Case No. 2:25-cv-01115-DOC-RAO

Plaintiff,

V.

GROWTH CAVE, LLC, et al.,

Defendants.

**ORDER GRANTING JOINT
STIPULATION TO MODIFY
STIPULATED PRELIMINARY
INJUNCTION AS TO
DEFENDANTS OSMANY
BATTE AND APEX MIND, LLC
[94]**

1 On August 25, 2025, Plaintiff the Federal Trade Commission (“FTC”),
2 Defendants Osmany Batte and Apex Mind, LLC (collectively, “Stipulating
3 Defendants”) (collectively, with the FTC and Stipulating Defendants, the
4 “Stipulating Parties”) submitted a Joint Stipulation to Modify the Stipulated
5 Preliminary Injunction as to Defendants Osmany Batte and Apex Mind, LLC. The
6 Court having considered the Joint Stipulation and, good cause appearing, the Court
7 **GRANTS** the Joint Stipulation and **ORDERS** as follows:

- 8 1. By consent of the parties, Section IV of the Stipulated Preliminary
9 Injunction as to Defendants Osmany Batte and Apex Mind, LLC (Dkt.
10 47) is amended to allow Batte to sell specified real property and personal
11 property as set out herein.
 - 12 a. Individual Defendant Osmany Batte shall take the following steps
13 to sell all interests in the 2023 Cadillac Escalade (“Cadillac”),
14 2021 Rolls-Royce Cullinan (“Rolls-Royce”), and 2022 Ferrari
15 SF90 (“Ferrari”) (collectively, “the Vehicles”) identified in Item
16 16 of the Financial Statement of Batte, provided to the FTC on
17 March 25, 2025. Such sales of the Vehicles will not violate Section
18 IV of the Stipulated Preliminary Injunction so long as:
 - 19 i. Batte immediately attempts to sell each of the Vehicles to a
20 third-party at a fair market value (based on Kelly Blue Book
21 value);
 - 22 ii. If Batte has not sold the Vehicles within 60 days of entry of
23 this Order, he shall sell each of the unsold Vehicles at a fair
24 market value (based on Kelly Blue Book value) by
25 advertising it for sale through an online auction service and
26 selling it to the highest bidder, or by placing the unsold
27

1 Vehicles for sale through an appropriate broker or
2 automobile listing service;

3 iii. Before accepting a bid or offer, Batte's counsel shall notify
4 FTC counsel of the proposed sale price and the name,
5 address, and telephone number of the purchaser(s) of the
6 Vehicle;

7 iv. Pending sale of the Vehicles, Batte shall (i) maintain the
8 Vehicles in good working order and in substantially the
9 same condition as of March 25, 2025, the date Batte
10 provided his sworn financial statement to the FTC; (ii) take
11 no action to encumber or diminish the value of the Vehicles;
12 (iii) maintain existing insurance coverage for the Vehicles;
13 and (iv) remain current on any tax, registration, maintenance
14 costs, loans, and other fees and expenses related to the
15 Vehicles; and

16 v. The net proceeds from the sale of all interest in the Rolls-
17 Royce and the Ferrari shall be deposited into the trust
18 account of Batte's attorney, G. James Christiansen, where
19 the net proceeds will remain pending Stipulating Parties'
20 resolution of this case. Forty Thousand Dollars (\$40,000.00)
21 of the net proceeds from the sale of the Cadillac shall be
22 deposited into the trust account of G. James Christiansen,
23 where they will remain pending Stipulating Parties'
24 resolution of this case, and Batte may retain the remainder of
25 the net proceeds from the sale of the Cadillac. Except as set
26 out in this Subsection, Batte shall in no way profit directly
27 or indirectly from the sale of any of the Vehicles, including

1 by sharing in any sales commission or fee, or by receiving
2 anything of value of any kind;

3 vi. Upon receipt of the net proceeds from the sale of each of the
4 Vehicles, Batte's counsel shall notify FTC counsel of the
5 amount of the net proceeds and the name, address, and
6 telephone number of the purchaser(s) of the Vehicle.

7 b. Individual Defendant Osmany Batte shall take the following steps
8 to sell all interests in the properties located at 22115 Hackney
9 Street, West Hills, California 91304 and 10122 Jovita Avenue, Los
10 Angeles, California 91311 (collectively, the "Investment
11 Properties"):

12 i. Batte shall within ten (10) days of entry of this Order list
13 each of the Investment Properties for sale, provided that
14 Batte first obtains from counsel for the FTC written
15 approval of the terms that Batte establishes for the listing,
16 including the list price and any real estate agent retained,
17 which approval shall not be unreasonably withheld;

18 ii. Immediately upon receiving any offer to purchase either
19 Investment Property, Batte's counsel shall notify FTC
20 counsel of the amount of the offer, any other conditions of
21 the offer, and the name(s) and address(es) of the person(s) or
22 entity(ies) making such offer;

23 iii. Batte shall take all reasonable steps to effectuate the sale of
24 the Investment Properties, including, but not limited to,
25 signing contracts with real estate agents, keeping the
26 Investment Properties in good repair, keeping the
27 Investment Properties in a condition suitable for showing to

1 prospective purchasers, signing contracts for the sale of the
2 Investment Properties, and signing all documents necessary
3 or appropriate for the transfer of the Investment Properties
4 to a new buyer(s);

5 iv. If, after three (3) months from the date of the entry of this
6 Order, all interests in the Investment Properties have not
7 been sold, Batte shall immediately retain an auction
8 company and direct it to sell all remaining interests in the
9 Investment Properties at public auction, provided that Batte
10 first obtains from counsel for the FTC written approval of
11 the auction company and of the terms that Batte establishes
12 for the auction, which approval shall not be unreasonably
13 withheld;

14 v. Until Batte transfers title and possession of the Investment
15 Properties, Batte shall take no action to diminish the value
16 of the Investment Properties, including any structures,
17 fixtures, and appurtenances thereto, but instead shall
18 maintain the Investment Properties in the same condition as
19 on March 25, 2025, the date Batte provided his sworn
20 financial statements to the FTC. Batte shall be responsible
21 for timely payment of all taxes, fees, association dues, and
22 all other attendant expenses related to the maintenance and
23 ownership of the Investment Properties until such time as
24 each property is sold or auctioned. Batte further is required
25 to continue and to maintain in full force insurance coverage
26 on the Investment Properties until the sale or auction of each
27 Investment Property;

- 1 vi. All net proceeds from the sale or auction of the Investment
2 Property after payment of obligations due and owing to any
3 valid mortgage holders and other priority lien holders, any
4 property taxes owed, any adjustments in favor of the
5 buyer(s) required to sell the property, and any reasonable
6 and customary real estate agent fees and closing costs
7 incurred in connection with such sale or auction that have
8 been approved by counsel for the FTC, which approval shall
9 not be unreasonably withheld, shall be deposited into the
10 trust account of Batte's attorney, G. James Christiansen,
11 where the net proceeds will remain pending Stipulating
12 Parties' resolution of this case;
- 13 vii. To secure his performance under this Subsection, Batte
14 hereby grants to Plaintiff Federal Trade Commission a lien
15 on and security interest in each of the Investment Properties
16 in the value of Five Hundred Thousand Dollars (\$500,000).
17 Batte represents and acknowledges that the FTC is relying
18 on the material representations that he is the sole owner of
19 each of the Investment Properties; that title to each of the
20 Investment Properties is marketable; and that none of the
21 Investment Properties is encumbered by any lien, mortgage,
22 deed of trust, assignment, pledge, security interest, or other
23 interest except for the lien, mortgage or security interest
24 identified in the Financial Statement of Individual
25 Defendant Osmany Batte provided to the FTC on March 25,
26 2025;

1 viii. Batte expressly agrees that none of the Investment
2 Properties is a homestead property; and
3 ix. Batte shall cooperate fully with the FTC in the perfection of
4 its liens and security interests of the Investment Properties
5 and be responsible for preparing, executing, and recording
6 the necessary documents and taking other actions necessary
7 to perfect the FTC's voluntary liens on and security interests
8 in the Investment Properties. Batte shall be responsible for
9 paying all costs relating to the preparation, execution,
10 delivery, filing, recording, and termination of the voluntary
11 lien on and security interest in the Investment Properties.
12 Batte shall deliver to the FTC copies of all recording
13 documents used to perfect the FTC's voluntary liens on and
14 security interests in the Investment Properties within ten
15 days from the date of entry of this Order.

17
18 IT IS SO ORDERED.

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20 Dated: August 21, 2025



21 HON. DAVID O. CARTER
22 UNITED STATES DISTRICT JUDGE